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MAILED

AUG 05 2002

REEXAM UNIT

In re Application of :  
Ronald Breslow et al. : DECISION GRANTING  
Appl. No. 10/004,411 : PETITION TO  
Filed November 2, 2001 : EXPEDITE PROSECUTION  
For: POTENT INDUCERS OF :  
TERMINAL DIFFERENTIATION :  
AND METHODS OF USE :  
THEREFOR :

Applicants' petition of May 20, 2002, under 37 CFR 1.182, to act on the reissue application without the standard two-month delay period following announcement of the reissue filing in the *Official Gazette*, is before the Office of Patent Legal Administration.

The petition is granted.

DISCUSSION

This application for reissue was filed on November 2, 2001. The announcement of the reissue filing was published in the *Official Gazette* on June 11, 2002.

Office policy normally provides for a two-month delay in examination following the announcement of the filing of the reissue in the O.G. MPEP 1441.

Applicant has requested via this petition waiver of the policy set forth in MPEP 1441 as to the delay of examination following the announcement of a reissue filing in the O.G. Such waiver is requested in order that examination might commence as soon as possible, in view of the somewhat lengthy delay between the filing date and announcement in the O.G.

The two-month delay period following the *Official Gazette* notice of the reissue filing is provided in order that members of the public may have an opportunity to inspect and review the reissue

application and submit pertinent information to the Office in the form of a protest under 37 CFR 1.291(a) prior to the examiner's first Office action on the merits.

The granting of petitioner's request for expedited examination does not close or remove the public's opportunity to protest the reissue application. Should a protest be filed in this application within two months from the date of the O.G. announcement, the examiner is instructed to proceed according to the provisions of 37 CFR 1.291, as well as MPEP §§ 1901.04 and 1901.06.

In the event an early determination of allowable subject matter is made by the examiner and made known to applicant, the application will be retained in the Technology Center pending expiration of the two month delay period, **prior to the mailing of a formal Notice of Allowance.**

#### CONCLUSION

The petition is granted.

The application is being forwarded to Technology Center 2800 for immediate examination as soon as practicable.

Since the two-month delay period is set to expire on August 11, 2002, the examiner is being instructed to expedite examination of this application.

Any further questions regarding the matter of this decision should be directed to Joseph Narcavage, Office of Patent Legal Administration, at (703) 305-1795.



Kenneth M. Schor  
Senior Legal Advisor  
Office of Patent Legal Administration